

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

536I0411

## HOUSE BILL NO. 1136

Introduced by: Representatives Sebert, Dykstra, Fryslie, Hennies, Kroger, Lange, Madsen, Murschel, Olson (Ryan), Peterson (Bill), Peterson (Jim), Putnam, Rhoden, Teupel, and Valandra and Senators Diedrich (Larry), Abdallah, Albers, de Hueck, Koetzle, McCracken, Moore, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise the requirements for a damage disclosure  
2 statement for motor vehicles.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-3-51.7 be amended to read as follows:

5 32-3-51.7. Each certificate of title issued by the department shall contain the following  
6 phrase: South Dakota state law requires the disclosure of damage on motor vehicles. This  
7 information is available upon written request from the Department of Revenue, Division of  
8 Motor Vehicles. Each certificate of title shall also contain on its front a statement as to whether  
9 previous damage disclosure statements indicate the motor vehicle had been damaged at one time  
10 in excess of ~~three~~ five thousand dollars as provided by § 32-3-51.8.

11 Section 2. That § 32-3-51.8 be amended to read as follows:

12 32-3-51.8. Upon the sale, transfer, or trade-in of a motor vehicle, or if licensing a motor  
13 vehicle in South Dakota which is titled in another state or jurisdiction, the seller, transferor,  
14 trader, or person wishing to license in South Dakota the motor vehicle which is titled in another



1 state or jurisdiction shall submit an accurately completed damage disclosure statement when  
2 applying for a certificate of title pursuant to § 32-3-18. The completed damage disclosure  
3 statement may be on the back of the certificate of title or on a separate document that has been  
4 approved for use by the department. Except as otherwise provided by this section, no certificate  
5 of title may be issued by the department unless the damage disclosure statement accompanies the  
6 application. It is a Class 1 misdemeanor to intentionally falsify any information on the damage  
7 disclosure statement. No person or dealer is liable to a subsequent owner of a vehicle because  
8 a prior owner of the vehicle failed to disclose that the vehicle had previously been damaged and  
9 repaired. This section does not apply to motor vehicles more than ~~nine~~ six model years old or  
10 with a gross vehicle weight rating of more than sixteen thousand pounds and does not apply if  
11 a rebuilt title or junking certificate is sought.

12 This section does apply to all other motor vehicles, but only damage in excess of ~~three~~ five  
13 thousand dollars shall be disclosed in the statement. If the motor vehicle has incurred damages  
14 more than once, only those damages which occurred at one time would be considered in  
15 determining whether the damages exceeded ~~three~~ five thousand dollars.

16 Section 3. That § 32-3-51.14 be amended to read as follows:

17 32-3-51.14. The department shall prescribe, pursuant to chapter 1-26, the format for the  
18 damage disclosure statement provided by § 32-3-51.8. An area for a damage disclosure  
19 statement shall appear on the back of each certificate of title issued by the department. The  
20 department may also approve separate documents on which a damage disclosure statement may  
21 be submitted. The damage disclosure statement form shall indicate whether the motor vehicle has  
22 been damaged such that it cost more than ~~three~~ five thousand dollars to repair to its predamaged  
23 condition and any other damage information the department deems appropriate. If a separate  
24 document from the certificate of title contains the damage disclosure statement, the document

- 1 shall also require the following information: year, make, model, and vehicle identification number
- 2 of the motor vehicle.